

1 ROB BONTA  
Attorney General of California  
2 NORMAN D. MORRISON  
Supervising Deputy Attorney General  
3 DAVID KLEHM  
Deputy Attorney General  
4 State Bar No. 165302  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9733  
7 Fax: (619) 645-2581  
E-mail: David.Klehm@doj.ca.gov

8 *Attorneys for Defendant State of California*  
9 *(by and through the California Highway Patrol)*  
10 *[erroneously sued as "State of California"]*  
*and Michael Bell*

11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
13  
14  
15

16 **EDGAR SOLIS,**

17 Plaintiff,

18 v.

19 **COUNTY OF RIVERSIDE; STATE**  
20 **OF CALIFORNIA; SALVADOR**  
21 **WALTERMIRE; and DOES 1-10,**  
**inclusive,**

22 Defendants.  
23  
24  
25  
26  
27  
28

5:23-cv-00515-HDV-JPR

**DECLARATION OF DAVID  
KLEHM IN SUPPORT OF  
DEFENDANTS' MOTION IN  
LIMINE NO. 2 TO EXCLUDE  
PLAINTIFF'S TESTIMONY AT  
TRIAL ABOUT TOPICS ON  
WHICH PLAINTIFF INVOKED  
THE 5<sup>TH</sup> AMENDMENT DURING  
HIS DEPOSITION**

Date: October 1, 2024  
Time: 9:00 a.m.  
Courtroom: 10D  
Judge: Honorable Hernán D. Vera

Trial Date: October 29, 2024  
Action Filed: 2/02/2023

**DECLARATION OF DAVID KLEHM**

I, David Klehm, declare as follows:

1. I am a duly appointed Deputy Attorney General and am assigned to represent defendants in the above-captioned action. I make this declaration in support of the attached motion. The facts set forth herein are within my personal knowledge.

2. I engaged in a telephonic conference with Plaintiff's counsel, Marcel Sincich, pursuant to L.R. 7-3 and L.R. 16-2.6, starting on September 16, 2024. Plaintiff intends to present the testimony identified herein, but defendants do not agree to the introduction of the testimony identified. Plaintiff will be opposing Defendant's instant motion.

3. Plaintiff's counsel, Marcel Sincich, notified me for the first time on September 12, 2024, that plaintiff, Edgar Solis, decided that he would be waiving the 5<sup>th</sup> Amendment at the upcoming trial on October 29, 2024. Attached hereto as Exhibit "A" is a true and correct copy of Mr. Sincich's email dated September 12, 2024.

4. Plaintiff, Edgar Solis, invoked the 5<sup>th</sup> Amendment extensively during his deposition on May 3, 2024, in response to my questions dealing with the shooting by my client, Officer Michael Bell, during plaintiff's arrest on felony warrants for carjacking, robbery and drug possession. Attached as Exhibit "B" is a true and correct copy of the relevant excerpts of plaintiff's deposition in which plaintiff or his counsel invoked the 5<sup>th</sup> Amendment.

5. On Friday, September 20, 2024, plaintiff's counsel's office sent an email offering deposition dates starting on October 14, 2024 for plaintiff, who is currently incarcerated after being convicted for carjacking with a firearm pursuant to the felony warrant on which defendant Michael Bell arrested plaintiff. Attached as Exhibit "C" is a true and correct copy of the aforementioned email.

1           6. During my meet and confer with plaintiff's counsel, I requested that plaintiff  
2 agree to stipulate to a continuance of the trial date so that I could have sufficient  
3 time to conduct the second deposition of plaintiff and then time for defendants'  
4 experts to review plaintiff's deposition transcript prior to trial and then for me and  
5 my clients to prepare our trial strategy accordingly. I advised plaintiff's counsel  
6 that conducting the second deposition of plaintiff during which time he is expected  
7 to testify for the first time in this case without invoking the 5<sup>th</sup> Amendment about  
8 his conduct, and my client's conduct, during the incident shooting would be unduly  
9 prejudicial to my, and my client's ability to adequately prepare for trial on October  
10 29, 2024. Plaintiff's counsel did not agree to continue the trial date which  
11 necessitated Defendants filing the instant motion in limine.

12           7. Despite Plaintiff's counsel offering dates starting on October 14<sup>th</sup>, for  
13 the second session of Plaintiff's deposition, it is not logistically possible to conduct  
14 the necessary follow up discovery flowing from plaintiff's expected unencumbered  
15 by the Fifth Amendment testimony during the second session of Plaintiff's  
16 deposition. Essentially, defendants will be unable to fact check plaintiff's expected  
17 unencumbered testimony prior to trial. Furthermore, Plaintiff's testimony will need  
18 to be transcribed, reviewed and approved by the Plaintiff while he is incarcerated,  
19 and then his testimony will need to be reviewed by defendants' experts and  
20 consultants which might then require defendants to add additional exhibits for trial.  
21 Additionally, Defendants anticipate plaintiff's unencumbered testimony will result  
22 in additional affirmative defenses or other defenses, which will require Defendants  
23 to amend their answer. Plaintiff's second deposition will require Defendants'  
24 experts and consultants to review the deposition transcript and then prepare new  
25 opinions, and/or expand on their prior opinions based upon plaintiff's newly  
26 unencumbered testimony, which might require defendants' experts to be re-  
27 deposed. Certainly, defendants we will need to re-depose Plaintiff's experts based  
28

1 upon the information provided by Plaintiff in his second deposition, which, in turn,  
2 will affect defendants' experts' opinions to be offered at trial.)

3 8. Defendants request that the Court prohibit plaintiff from testifying about  
4 topics on which plaintiff or his counsel invoked the 5<sup>th</sup> Amendment during  
5 plaintiff's deposition on May 3, 2024, because such testimony would be unduly  
6 prejudicial to defendants on the eve of trial.

7 9. On or about September 13, 2024, after being advised by plaintiff's counsel  
8 that plaintiff intended to waive the Fifth Amendment, I contacted the Riverside  
9 County Assistant District Attorney, Michael Maloney, who is prosecuting the  
10 felony complaint against Plaintiff. I was informed that Plaintiff currently faces the  
11 same pending criminal felony charges including being a felon in possession of a  
12 firearm during his arrest by Defendant Bell that Plaintiff faced at the time of his  
13 deposition on May 3, 2024.

14 I declare under penalty of perjury under the laws of the United States of  
15 America that the foregoing is true and correct.

16 Executed on September 23, 2024, at San Diego, California.

17 /s/ David Klehm

18 David Klehm

19 SD2023800661  
20 84745150.docx  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT “A”**

**From:** [Marcel Sincich](#)  
**To:** [David Klehm](#)  
**Cc:** [Trenton Packer](#); [Christina Ramirez](#); [Kayla Peña-Pham](#); [dalekgalipo@yahoo.com](mailto:dalekgalipo@yahoo.com); [Ashley Reyes](#); [Alejandro Monguia](#); [Norman Morrison](#); [Christine Henson](#)  
**Subject:** Solis v. State of California  
**Date:** Thursday, September 12, 2024 11:53:19 AM

**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hi David,

Please be advised that Mr. Solis has decided to waive his Fifth Amendment rights regarding information relevant to this incident for his testimony at trial as I indicated to you previously. Let us know if you would like to take his deposition again, and if so when you are available to do so. Thank you.

Very Respectfully,

**Marcel F. Sincich, Esq.**

**Law Offices of Dale K. Galipo** | 21800 Burbank Blvd., Suite 310, Woodland Hills, CA 91367 |  
Office: +1.818.347.3333 | Fax: +1.818.347.4118 | Email: [msincich@galipolaw.com](mailto:msincich@galipolaw.com)

THIS EMAIL MESSAGE IS FOR THE SOLE USE OF THE INTENDED RECIPIENT AND MAY CONTAIN CONFIDENTIAL, AND PRIVILEGED INFORMATION. ANY UNAUTHORIZED REVIEW, USE, DISCLOSURE OR DISTRIBUTION IS PROHIBITED. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE CONTACT THE SENDER BY REPLY EMAIL AND DESTROY ALL COPIES OF THE ORIGINAL MESSAGE.

# EXHIBIT “B”

Edgar Solis, 5/3/2024

1 STOCKTON, CALIFORNIA  
2 FRIDAY, MAY 3, 2024; 10:17 A.M.  
3  
4

5 EDGAR SOLIS,  
6 HAVING BEEN DULY ADMINISTERED AN  
7 OATH BY THE REPORTER, WAS EXAMINED  
8 **AND TESTIFIED AS FOLLOWS:**  
9  
10

11 EXAMINATION

12 BY MR. KLEHM:

13 Q Mr. Solis, could you please state your name and  
14 spell it for the record.

15 A It's Edgar Alejandro Solis. It's E-d-g-a-r  
16 A-l-e-j-a-n-d-r-o. Solis, S-o-l-i-s.

17 Q Thank you.

18 A You're welcome.

19 Q There's an issue, for the record, with your  
20 video that we've discussed before starting this  
21 deposition.

22 MR. KLEHM: So, Mr. Sincich, are you able to  
23 verify through your voice analysis of the witness that  
24 he is in fact your client, since we cannot see him on  
25 the video for this remote deposition?



Edgar Solis, 5/3/2024

1 BY MR. KLEHM:

2 Q There was a -- a complaint that you filed and  
3 then a first amended complaint that you filed in this  
4 case regarding the incident that you referred to earlier  
5 of being shot. Okay?

6 And in that complaint, you state that my  
7 client, along with Deputy Waltermire of the County of  
8 Riverside's Sheriff's Department shot you on March 2,  
9 2022. Is that correct?

10 MR. SINCICH: I'm going to object that it  
11 raises the Fifth Amendment privilege and instruct him  
12 not to answer.

13 MR. KLEHM: Okay.

14 BY MR. KLEHM:

15 Q Are we here today in your deposition because of  
16 a lawsuit that you filed claiming, amongst other things,  
17 that my client, Officer Michael Bell of the California  
18 Highway Patrol, shot you on March 2, 2022?

19 A You're asking if I'm here today because of what  
20 happened on March 2, 2022?

21 Q Yeah, because of a lawsuit you filed relating  
22 to what happened on March 2, 2022.

23 A Okay. Yes.

24 Q Okay. And do you understand that the lawsuit  
25 that you filed relating to what happened on March 2,

Edgar Solis, 5/3/2024

1 2022, alleges that my client, Officer Michael Bell of  
2 the California Highway Patrol, used excessive force  
3 against you because he shot you without first giving you  
4 a warning that he was going to use deadly force?

5 MR. SINCICH: Objection. Privileged. Instruct  
6 not to answer.

7 MR. KLEHM: All right. Well, I -- I can  
8 possibly understand if the instruction not to answer is  
9 due to the Fifth Amendment, Marcel. But the privileged  
10 part I'm not so sure about because this is in his first  
11 amended complaint.

12 MR. SINCICH: It's a Fifth Amendment privilege  
13 is what --

14 MR. KLEHM: Oh, okay.

15 MR. SINCICH: Sorry. I guess I paraphrased.

16 MR. KLEHM: All right. Thank you.

17 MR. SINCICH: I'll be clear for the record that  
18 with the instruction not to answer it's under the Fifth  
19 Amendment.

20 MR. KLEHM: All right. Thank you. Thank you.

21 BY MR. KLEHM:

22 Q Okay. All right. On March 2, 2022, do you  
23 recall holding a .38 Colt Detective Revolver in your  
24 hand immediately before being shot?

25 MR. SINCICH: Objection. Privileged, based off

Edgar Solis, 5/3/2024

1 Fifth Amendment grounds. Instruct not to answer.

2 MR. KLEHM: Okay.

3 BY MR. KLEHM:

4 Q On March 2, 2022, within the five minutes  
5 before you were shot, did you have in your hand or on  
6 your person a loaded Colt Revolver?

7 MR. SINCICH: Objection. Fifth Amendment  
8 privilege, and instruct not to answer.

9 BY MR. KLEHM:

10 Q Okay. On March 2, 2022, do you recall Officer  
11 Bell telling you to drop the weapon or words to that  
12 effect prior to the time that you were shot?

13 MR. SINCICH: Objection. Fifth Amendment  
14 privilege. Instruct not to answer.

15 BY MR. KLEHM:

16 Q Have you ever told your family members that you  
17 knew whether it was Officer Bell or Deputy Waltermire  
18 that shot you first?

19 MR. SINCICH: Objection. Fifth Amendment  
20 privilege. Instruct not to answer.

21 BY MR. KLEHM:

22 Q Have you ever seen the blood toxicology results  
23 for the blood samples taken from you on March 2, 2022?

24 MR. SINCICH: Assumes facts. Calls for  
25 speculation.

Edgar Solis, 5/3/2024

1 BY MR. KLEHM:

2 Q All right. That being said, Mr. Solis, have  
3 you ever seen the blood toxicology results from your  
4 blood taken on March 2, 2022?

5 MR. SINCICH: Same objection.

6 MR. KLEHM: But you're not instructing him not  
7 to answer, so you can still answer, Mr. Solis.

8 MR. SINCICH: Correct. You can answer,  
9 Mr. Solis.

10 THE WITNESS: No, I have never seen results  
11 of --

12 BY MR. KLEHM:

13 Q Okay.

14 A -- any test.

15 Q All right. On March 2, 2022, prior to the time  
16 that you were shot, were you on amphetamines?

17 MR. SINCICH: Objection. And, I'm sorry, but  
18 it did break up a little bit on my end.

19 But what you were saying -- because I'm able to  
20 see you. But objection. Fifth Amendment privilege.  
21 Instruct not to answer.

22 BY MR. KLEHM:

23 Q Okay. On March 2, 2022, prior to the time that  
24 you were shot, had you taken PCP, the drug commonly  
25 known as PCP?

Edgar Solis, 5/3/2024

1 MR. SINCICH: Objection. Fifth Amendment  
2 privilege. Instruct not to answer.

3 BY MR. KLEHM:

4 Q Okay. At any time in the -- prior to March 2,  
5 '22, had you ever taken PCP?

6 MR. SINCICH: Objection. Fifth Amendment  
7 privilege. Instruct not to answer.

8 BY MR. KLEHM:

9 Q On March 2, 2022, were you, to your knowledge,  
10 on probation for any prior criminal offenses?

11 MR. SINCICH: That's kind of borderline from  
12 probation and parole, so I'm going to have to err on  
13 instructing him not to answer based off of Fifth  
14 Amendment.

15 MR. KLEHM: Okay. Well, let me cross the  
16 border then.

17 BY MR. KLEHM:

18 Q On March 2, 2022, were you on parole to your  
19 knowledge for any prior criminal offenses?

20 MR. SINCICH: Objection. Fifth Amendment  
21 privilege, and instruct not to answer.

22 MR. KLEHM: Okay.

23 BY MR. KLEHM:

24 Q Did you understand on March 2, 2022, prior to  
25 the time that you were shot, that you were not allowed

Edgar Solis, 5/3/2024

1 to be in possession of a firearm?

2 MR. SINCICH: Objection. Calls for legal  
3 conclusion, and Fifth Amendment privilege. Instruct not  
4 to answer.

5 MR. KLEHM: Okay.

6 BY MR. KLEHM:

7 Q At any time prior to March 2, 2022, do you  
8 recall signing paperwork stating that you would not be  
9 in possession of a firearm as a condition of your  
10 parole?

11 MR. SINCICH: Objection. Fifth Amendment  
12 privilege. Assumes facts. And instruct not to answer.

13 BY MR. KLEHM:

14 Q Okay. On March 2, 2022, before you were shot,  
15 were you driving a green Ford Mustang?

16 MR. SINCICH: Vague as to time.

17 BY MR. KLEHM:

18 Q Any time of the day before you were shot.

19 A Yeah.

20 Q Okay. All right. You --

21 A Hey, I know I said -- I know I said that --  
22 like another 30 minutes or so, but I think I need to  
23 take that break now if it's all right with you guys.

24 Q We don't want to torture you or put you in any  
25 physical discomfort for the duration, Mr. Solis. So if

Edgar Solis, 5/3/2024

1 MR. KLEHM: No. We'll keep this off the  
2 record.

3 (Off the record.)

4 MR. KLEHM: Let's get back on the record.

5 BY MR. KLEHM:

6 Q Mr. Solis, do you realize we're back on the  
7 record after a short break?

8 A Yes, sir.

9 Q Okay. There was a line of questions that your  
10 attorney instructed you not to answer, so I just want to  
11 make sure that we're not wasting anyone's time here any  
12 further.

13 MR. KLEHM: Mr. Sincich, can you put on the  
14 record the scope of what your instruction for your  
15 client not to answer based on his Fifth Amendment rights  
16 would be so that I don't waste any time asking him a  
17 whole series of questions that are just going to result  
18 in an instruction not to answer from you?

19 MR. SINCICH: Certainly.

20 So the instructions not to answer will be based  
21 off of the Fifth Amendment privilege and, generally  
22 speaking, would be under the scope of criminal history,  
23 any kind of drug use, and essentially the facts related  
24 to the incident considering that the current active  
25 criminal case relates directly to the incident itself.

Edgar Solis, 5/3/2024

1 MR. KLEHM: Okay. Thank you.

2 And would your instruction to your client not  
3 to answer based on the Fifth Amendment privilege also  
4 include his interrogatory responses that directly place  
5 him at the scene of the shooting and, otherwise,  
6 indicate that he was shot on May [sic] 2, 2022, during a  
7 pursuit?

8 MR. SINCICH: With regard to placing him at the  
9 scene and facts related to the incident, yes, it would  
10 encompass those interrogatory responses.

11 For the record, they were made prior to the  
12 charges being filed against Mr. Solis. But I do believe  
13 there were interrogatory responses related to injuries,  
14 damages, and that's essentially -- I would not instruct  
15 him not to answer those kind of injury or damages  
16 questions.

17 MR. KLEHM: Okay. All right.

18 So taking this one step further, in terms of --  
19 I'm going to share my screen a second here.

20 So if I were to ask your client whether or not  
21 this is what he looked like on or about March 2, 2022,  
22 would you instruct him not to answer?

23 MR. SINCICH: Yes, I would.

24 MR. KLEHM: Okay. All right. And for the  
25 record, that was the BOLO, be on the lookout, exhibit.



Edgar Solis, 5/3/2024

1           Okay. All right. Well, let's talk about  
2 damages, then, since we're not going to find out  
3 anything about what happened on March 2, 2022.

4           Is that a fair assessment, Mr. Sincich, that  
5 you're not going to let your client answer anything  
6 about what happened on March 2, 2022, other than maybe  
7 what he had for breakfast?

8           MR. SINCICH: Yes, sir.

9 BY MR. KLEHM:

10          Q All right. Mr. Solis, we've been talking a  
11 little bit about you being in a wheelchair and having  
12 swelling in your leg after sitting for an hour and a  
13 half or so.

14           Can you tell me what your understanding is of  
15 your current medical condition relating to your being in  
16 a wheelchair based on what the doctors have told you?

17          A Okay. Can I tell you what? I'm sorry. Can  
18 you say that again, sir?

19          Q Well, I just want to find out what your  
20 understanding is of your medical condition that requires  
21 you to be in a wheelchair. And --

22          A Oh.

23          Q -- I'm asking that to you from the perspective  
24 of your understanding based on what the doctors told you  
25 as opposed to just your speculation as to why you're in

Edgar Solis, 5/3/2024

1     guy.

2           Q     Okay. All right. And do you recall where my  
3     client shot you before the other guy shot you?

4                   MR. SINCICH: Objection. Vague and --

5                   THE WITNESS: No.

6     BY MR. KLEHM:

7           Q     Okay.

8           A     I don't recall.

9           Q     All right. Do you recall where you were when  
10    you got shot by my client?

11          A     I don't because I was shot multiple times, sir,  
12    and I don't know exactly when or where each one was at.

13          Q     All right. Could you -- could you physically  
14    see the officer who shot you the first time?

15                   MR. SINCICH: Objection. It -- I'm going to  
16    object on his Fifth Amendment grounds and instruct not  
17    to answer.

18    BY MR. KLEHM:

19          Q     Okay. All right. Were you behind a fence or  
20    any other obstruction when you were shot the first time?

21                   MR. SINCICH: Objection. Fifth Amendment  
22    privilege, and instruct not to answer.

23    BY MR. KLEHM:

24          Q     All right. Are there any other medical --  
25    strike that.

Edgar Solis, 5/3/2024

1 A I'm sorry. Could you repeat that?

2 Q Was that your daily driver vehicle prior to  
3 March 2, 2022?

4 A I didn't have that vehicle for too long, sir.

5 Q All right. But you had it for about a month or  
6 so before March 2, 2022?

7 A Yeah, give or take. Yeah.

8 Q Okay. All right. All right. Do you know --  
9 okay.

10 All right. What -- what did Maggie Meritt tell  
11 you about what she saw in regards to the -- you getting  
12 rushed by two people while you were sitting in the green  
13 Mustang?

14 MR. SINCICH: Assumes facts. Calls for  
15 speculation. And I'm going to instruct not to answer  
16 based on Fifth Amendment privilege.

17 MR. KLEHM: Okay.

18 BY MR. KLEHM:

19 Q I'm not asking what you told Maggie, sir. I'm  
20 asking did Maggie Meritt, Alexis' mom, tell you that she  
21 saw two people rushing the green Mustang that you were  
22 sitting in on March 2, 2022?

23 A I haven't spoken to her.

24 Q Okay. Why were you sitting in the car talking  
25 to Maggie Meritt before two people rushed the car you

Edgar Solis, 5/3/2024

1 And it's a little -- it's a little bit too much detail  
2 about the incident, so I'm going to have to instruct him  
3 not to answer based on Fifth Amendment privilege.

4 BY MR. KLEHM:

5 Q Were you in the same physical location at the  
6 time you were initially shot compared to the time that  
7 you were no longer being shot at during this period of  
8 time?

9 MR. SINCICH: Objection. Fifth Amendment  
10 privilege. Instruct not to answer.

11 BY MR. KLEHM:

12 Q Okay. All right. Well, the allegations in  
13 your complaint state that you were initially shot and  
14 then you were trying to surrender when you were shot by  
15 another officer. Is that a fair recollection -- or fair  
16 summary of what happened?

17 MR. SINCICH: Objection. Fifth Amendment  
18 privilege. Instruct not to answer.

19 BY MR. KLEHM:

20 Q Did you have a cell phone on you when you were  
21 first shot?

22 A I'm not sure where my cell phone was, sir.

23 Q Okay. Do you recall making any phone calls to  
24 anyone between the time that you were first shot and the  
25 time that the officer was not shooting at you any

Edgar Solis, 5/3/2024

1 longer?

2 MR. SINCICH: I'm going to instruct not to  
3 answer based off of Fifth Amendment privilege.

4 BY MR. KLEHM:

5 Q All right. Okay. Do you recall being  
6 transported into an ambulance at some point after you  
7 were shot?

8 A No.

9 Q All right. What's the last thing you remember  
10 after being shot?

11 MR. SINCICH: Objection. Fifth Amendment  
12 privilege. Instruct not to answer. It's also vague and  
13 ambiguous, but --

14 BY MR. KLEHM:

15 Q Okay. Well, you were conscious at the time  
16 that you were shot the first time, correct?

17 MR. SINCICH: Objection -- well, we'll just say  
18 instruct not to answer based off of Fifth Amendment  
19 privilege.

20 BY MR. KLEHM:

21 Q Okay. During the time that you were shot --  
22 according to your -- the doctor's assessment 15 times --  
23 did you lose consciousness at any point?

24 MR. SINCICH: Calls for speculation. Lacks  
25 foundation. And I'm going to instruct him not to answer

Edgar Solis, 5/3/2024

1 based off of Fifth Amendment privilege.

2 BY MR. KLEHM:

3 Q Okay. Do you recall being shot 15 times on  
4 March 2, 2022?

5 MR. SINCICH: Instruct not to answer based off  
6 of Fifth Amendment.

7 BY MR. KLEHM:

8 Q How many times do you recall being shot on  
9 March 2, 2022?

10 MR. SINCICH: Instruct him not to answer based  
11 off of Fifth Amendment privilege. I believe it's asked  
12 and answered as well.

13 BY MR. KLEHM:

14 Q Do you recall what time of day it was that you  
15 were shot on March 2, 2022, at any time that you were  
16 shot?

17 A I don't remember what time it was, sir. Sorry.

18 Q Do you recall if it was still light outside at  
19 the time you were shot on March 2, 2022?

20 A I'm pretty sure it wasn't dark, sir.

21 Q It was not dark?

22 A Yeah, I don't think it was dark, but I don't  
23 know what time it was. I'm sorry.

24 Q Okay.

25 A I don't remember, sir. I went through a whole

Edgar Solis, 5/3/2024

1 from the date of the incident while you were being shot?

2 MR. SINCICH: Objection. I'm going to instruct  
3 him not to answer based off of Fifth Amendment  
4 privilege, as well as HIPAA and other privileges related  
5 to psychotherapist-patient.

6 BY MR. KLEHM:

7 Q Other than your family members -- strike that.

8 Other than health professionals and your family  
9 members, is there any particular close friend that  
10 you've ever talked to about what you recall from the  
11 date of the incident?

12 A I don't recall. I don't remember.

13 Q This was certainly the most traumatic thing  
14 that's happened to you in your life, correct?

15 A Yes.

16 Q And as part of processing that trauma, did you  
17 ever feel the need to talk to a close friend about what  
18 happened?

19 A I'm not even sure I completely understand your  
20 question. Like I don't -- I don't like talking to  
21 people about it. You know, if I don't need to, you  
22 know -- it's not nothing -- it's not something I like to  
23 re-live.

24 Q Well, you were shot 15 times and lived to tell  
25 the story, so did you ever feel the need to, you know,

Edgar Solis, 5/3/2024

1 go out, you know, with socially and talk about things?

2 A No.

3 Q So you didn't have a close buddy that, you  
4 know, you'd hang out with and have a beer with or  
5 something and talk about --

6 A I don't drink --

7 Q Pardon me?

8 A No. No.

9 Q All right. Were -- as of March 2, 2022, before  
10 the incident, were you involved in any gangs?

11 MR. SINCICH: Objection. Privileged based on  
12 the Fifth Amendment, and instruct not to answer.

13 BY MR. KLEHM:

14 Q Well, you must have had some friends somewhere.  
15 I'm just trying to figure out where that would have  
16 been.

17 Were you involved in any clubs or organizations  
18 that were not gangs, like a bowling club? A football  
19 club? A soccer club? Anything like that, Mr. Solis?

20 A No.

21 Q Okay. Okay. Before the incident, say in the  
22 year before, what did you do for recreational  
23 activities?

24 A I liked to build stuff, motorcycles and such.  
25 Things I can no longer do, you know.



**EXHIBIT “C”**

**From:** [Alejandro Monguia](#)  
**To:** [David Klehm](#)  
**Cc:** [Christina Ramirez](#); [dalekgalipo@yahoo.com](mailto:dalekgalipo@yahoo.com); [Ashley Reyes](#); [Norman Morrison](#); [Christine Henson](#); [Marcel Sincich](#)  
**Subject:** RE: Solis v. State of California  
**Date:** Thursday, September 19, 2024 1:33:35 PM

---

**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Good afternoon Mr. Klehm,

We were notified that the prison coordinator mistakenly provided inaccurate dates of availability for Mr. Solis' deposition. Please see the corrected dates of availability below and let us know if any of these might work for your schedule.

10/14: between 0730-1400  
10/15: between 0730-1400  
10/16: between 0730-1400  
10/20: between 0730-1400  
10/23 between 0730-1400

**Best Regards,**

**Alejandro E. Monguia, Paralegal** | **Law Offices of Dale K. Galipo** | 21800 Burbank Blvd., Suite 310, Woodland Hills, CA 91367 | Office: +1.818.347.3333 | Fax: +1.818.347.4118 | Email: [amonguia@galipolaw.com](mailto:amonguia@galipolaw.com)

THIS EMAIL MESSAGE IS FOR THE SOLE USE OF THE INTENDED RECIPIENT AND MAY CONTAIN CONFIDENTIAL, AND PRIVILEGED INFORMATION. ANY UNAUTHORIZED REVIEW, USE, DISCLOSURE OR DISTRIBUTION IS PROHIBITED. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE CONTACT THE SENDER BY REPLY EMAIL AND DESTROY ALL COPIES OF THE ORIGINAL MESSAGE.